

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:

STEPHEN PAUL AMELONG,

Debtor.

Case Number: **18-43371-399**

Chapter 13

STEPHEN PAUL AMELONG,

Movant,

Objection to Claim 2

Filed by Debtor

vs.

**NEWREZ LLC D/B/A SHELLPOINT
MORTGAGE SERVICING AS
ATTORNEY IN FACT FOR
MTGLQ INVESTORS, L.P.,**

Respondent.

Jack J. Adams #37791MO #37791

Adams Law Group

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**NOTICE AND
OBJECTION TO CLAIM 2**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING, THE DATE OF WHICH WILL BE SENT TO YOU IF YOU FILE A RESPONSE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

COMES NOW Debtor Stephen Paul Amelong, by and through his undersigned counsel, and for his Objection to Claim 2 (the "Objection"), states to the Court as follows:

Jurisdiction

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §151 and §1334 and Local Rule 9.01 of the United States District Court for this District.
2. This matter constitutes a “core” proceeding pursuant to 28 U.S.C. §157(b)(2)(B).
3. Venue is proper pursuant to 28 U.S.C. §1409.
4. Debtor brings the Objection pursuant to Federal Rule of Bankruptcy Procedure 3007; L.R. 3007 B, and L.R. 9061 A.

Background

5. Stephen Paul Amelong (“Debtor”) filed for Chapter 13 bankruptcy protection on May 22, 2018.
6. Diana S. Daugherty is the duly appointed and acting Standing Chapter 13 Trustee herein.
7. On July 9, 2018, NewRez LLC d/b/a Shellpoint Mortgage Servicing as Attorney in Fact for MTGLQ Investors, L.P. (“Respondent”) filed Claim 2 in the amount of \$164,455.77 at secured status, pursuant to a Deed of Trust/Note and filed \$42,910.44 in arrears.
8. On March 20, 2020, Respondent filed a Motion for Relief from Stay to Enter into Loan Modification Agreement where, among other provisions, all of the arrears are being treated through the modification and will no longer have to be taken care of through the plan (provision 3B).
9. On April 7, 2020, an Order was entered granting Respondent’s Motion for Relief from Stay to Enter into Loan Modification Agreement.

10. On April 14, 2020, Debtor filed a First Amended Plan where the Debtor no longer pays the arrears owed Respondent through the plan.

Relief Requested

11. Debtor objects to Respondent's Claim 2 in that no portion of the arrears should be paid through the Debtor's plan.

12. Debtor is prepared to consent to the allowance of said claim as a secured claim with zero arrears.

WHEREFORE, Debtor Stephen Paul Amelong prays this Honorable Court make and enter its Order sustaining his Objection to Claim 2 in that MTGLQ Investors, L.P.'s Claim 2 will be allowed as a secured claim with zero arrears; and for such other and further relief as the Court deems just and proper.

Respectfully submitted,
ADAMS LAW GROUP

/s/ Jack J. Adams

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on April 27, 2020 with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

I certify that a true and correct copy of the foregoing document was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to those parties listed below on April 27, 2020:

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/s/ Ryan J. Brown
Ryan J. Brown